D.B. CIVIL SPECIAL APPEAL NO.869/2006

Sukhmander Singh & Anr. Vs. The Superintending Engineer & Ors.

Date : 29.5.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE BHANWAROO KHAN

Mr. Ramandeep Singh for the appellant.
Mr. L.R. Upadhyay, Dy. Government Advocate.

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Having heard learned counsel for the parties, we are of the opinion that no case is made out for interference in the appeal. There is a clear finding that water was found to be diverted to the fields by putting a diversion and on enquiry, it was found by the person on the field duty that 6 persons named in the order are taking their turn jointly and that being the turn between 7 PM to 5 AM were of responsible for taking extra water. That finding has been affirmed by the appellate authority.

In that view of the matter, the penalty has been imposed. The learned Single Judge has vacated the interim order passed as interim ex-parte. On the face of this recording, we do not find any merit in the appeal.

The appeal is, accordingly, dismissed.

[BHANWAROO KHAN], J. **[RAJESH BALIA], J.**

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